

Utah is to be commended for his advocacy of a land exchange that, as amended, is a win-win for all the involved parties.

Madam Speaker, we appreciate the cooperation shown by the majority, the State of Utah, the BLM, and others in addressing issues that originally existed with the legislation. We support H.R. 2069, as amended, and have no objection to the adoption of the legislation by the House today.

Mr. MATHESON. Mr. Speaker, today I rise in strong support of H.R. 2069, the Utah Recreational Land Exchange Act of 2005.

Since statehood, Utah has held lands in trust to generate funds for public schools. But they are scattered throughout the State in a checkerboard pattern, isolated within federal land holdings. That has made it difficult for either the federal land agencies, or the School and Institutional Trust Lands Administration, to manage them according to their different objectives. Many of the State school trust lands have valuable habitat, watershed, and scenic features that shouldn't be commercially developed.

The Bureau of Land Management, meanwhile, owns land in other parts of my State that are not as environmentally sensitive and could be responsibly developed for the benefit of public schools.

This legislation proposes a land exchange—State school trust lands for BLM lands—that consolidates acreage for ease of management by federal land managers, increases the school trust fund balance, and preserves sensitive land along the world-renowned Colorado River corridor, using an equitable valuation.

Anyone who has rafted the Colorado River, or taken a mountain-biking trip to Moab, understands why these lands need to be open to future generations of Americans to enjoy. This legislation would transfer to the BLM parcels of State land in Westwater Canyon, the nationally-recognized Kokopelli and Slickrock trails, multiple wilderness study areas, and some of the largest natural rock arches in the U.S.

This bill is the result of a truly collaborative process with all stakeholders at the table. It is supported by the counties, by the State of Utah, by the environmental and recreational communities and it has evolved with the Department of the Interior's participation.

I would like to thank Congressman CANNON, all the stakeholders and the Resources Committee for working over the past 2 years to develop the bipartisan, consensus legislation that we have before us today.

I urge my colleagues to support this legislation to protect our treasured public lands and at the same time support public education in Utah.

Mr. CANNON. Mr. Speaker, I rise today in support of H.R. 2069, the Utah Recreational Land Exchange Act of 2006, which is also co-sponsored by Congressman MATHESON and Congressman BISHOP.

Mr. Speaker, this legislation is the culmination of years of hard work, compromise, and determination involving the Utah School and Institutional Trust Lands Administration, the Counties, the environmental community, the recreation community, the Department of the Interior and of course the Resources Committee staff.

H.R. 2069 authorizes the exchange of approximately 45,000 acres of Utah State school trust lands within and near Utah's Colorado

River corridor for approximately 40,000 acres of Federal lands in eastern Utah. This is an equal value exchange that guarantees that the school children of Utah will finally benefit from lands they own.

The Colorado River Corridor is a uniquely scenic area that includes such treasures as the Corona and Morning Glory arches, the Westwater wilderness study area, the Kokopelli and Slickrock trails, the watershed for Castle Valley, the Sand Wash rafting site, and thousands of other acres of red rock beauty. H.R. 2069 will transfer these lands, which are owned by Utah's school children, to the Bureau of Land Management.

Congress established Utah's school trust lands upon statehood for the specific purpose of generating income for Utah's school system. Therefore, in exchange for these beautiful areas, Utah's school children will receive mineral development lands in eastern Utah to provide a much needed revenue stream for the Utah school system.

H.R. 2069 is a balanced piece of legislation that will allow the Bureau of Land Management to fulfill its management mandates along the Colorado River as well as benefit Utah's school children. Revenue from Utah school trust lands—whether from grazing, surface leasing, mineral development or sale—will be placed in the State School Fund, which is a permanent income-producing endowment for the support of Utah's public education system.

H.R. 2069 is an equal value exchange that sets out a transparent and fair appraisal process. Appraisals will be conducted by jointly selected independent appraisers and pursuant to established law and regulations. The Federal Government will retain its current interest in the minerals conveyed to the State and those revenues will be utilized to purchase lands in Utah in the future. The bill also includes public notice provisions to insure that the public is aware of the status of the exchange process.

Madam Speaker, as you are aware, Utah has a long history of working hard to consolidate our school trust lands in a way that allows us to fund our public education system. We are confident and hopeful that H.R. 2069 acts as a blueprint for future exchanges so the people of Utah can continue to receive the revenue they were promised upon becoming a state.

I would like to take a moment to thank the staff that worked on this bill. Personally, I would like to thank from the Committee on Resources: Doug Crandall, Matt Miller and Todd Willens of Chairman POMBO's staff, and Jim Zoia and Rick Healy of Mr. RAHALL's staff; from the Leader's office Anne Thorsen, Greg Maurer and Jay Cranford; and from my staff Rachel Dresen for all their work on this legislation.

I urge my colleagues to support this exchange which is a win for America's Federal lands and is a win for Utah's school system.

Mr. KIND. Madam Speaker, I yield back the balance of our time.

Mr. PEARCE. Madam Speaker, I have no other speakers, and yield back the balance of my time.

The SPEAKER pro tempore (Ms. FOXX). The question is on the motion offered by the gentleman from New Mexico (Mr. PEARCE) that the House suspend the rules and pass the bill, H.R. 2069, as amended.

The question was taken; and (two-thirds having voted in favor thereof)

the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PUEBLO OF ISLETA SETTLEMENT AND NATURAL RESOURCES RESTORATION ACT OF 2006

Mr. PEARCE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5842) to compromise and settle all claims in the case of Pueblo of Isleta v. United States, to restore, improve, and develop the valuable on-reservation land and natural resources of the Pueblo, and for other purposes.

The Clerk read as follows:

H.R. 5842

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pueblo of Isleta Settlement and Natural Resources Restoration Act of 2006".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) there is pending before the United States Court of Federal Claims a civil action filed by the Pueblo against the United States in which the Pueblo seeks to recover damages pursuant to the Isleta Jurisdictional Act;

(2) the Pueblo and the United States, after a diligent investigation of the Pueblo claims, have negotiated a Settlement Agreement, the validity and effectiveness of which is contingent on the enactment of enabling legislation;

(3) certain land of the Pueblo is water-logged, and it would be to the benefit of the Pueblo and other water users to drain the land and return water to the Rio Grande River; and

(4) there is Pueblo forest land in need of remediation in order to improve timber yields, reduce the threat of fire, reduce erosion, and improve grazing conditions.

(b) PURPOSES.—The purposes of this Act are—

(1) to improve the drainage of the irrigated land, the health of the forest land, and other natural resources of the Pueblo; and

(2) to settle all claims that were raised or could have been raised by the Pueblo against the United States under the Isleta Jurisdictional Act in accordance with section 5.

SEC. 3. DEFINITIONS.

In this Act:

(1) ISLETA JURISDICTIONAL ACT.—The term "Isleta Jurisdictional Act" means Public Law 104-198 (110 Stat. 2418).

(2) PUEBLO.—The term "Pueblo" means the Pueblo of Isleta, a federally recognized Indian tribe.

(3) RESTORATION FUND.—The term "Restoration Fund" means the Pueblo of Isleta Natural Resources Restoration Fund established by section 4(a).

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(5) SETTLEMENT AGREEMENT.—The term "Settlement Agreement" means the Agreement of Compromise and Settlement entered into between the United States and the Pueblo, dated July 12, 2005, as modified by the Extension and Modification Agreement executed by the United States and the Pueblo on June 22, 2006, to settle the claims of the Pueblo in Docket No. 98-166L, a case pending in the United States Court of Federal Claims.

SEC. 4. PUEBLO OF ISLETA NATURAL RESOURCES RESTORATION TRUST FUND.

(a) **ESTABLISHMENT.**—There is established in the Treasury a trust fund, to be known as the "Pueblo of Isleta Natural Resources Restoration Fund", consisting of—

(1) such amounts as are transferred to the Restoration Fund under subsection (b); and

(2) any interest earned on investment of amounts in the Restoration Fund under subsection (d).

(b) **TRANSFERS TO RESTORATION FUND.**—Upon entry of the final judgment described in section 5(b), there shall be transferred to the Restoration Fund, in accordance with conditions specified in the Settlement Agreement and this Act—

(1) \$32,838,750 from the permanent judgment appropriation established pursuant to section 1304 of title 31, United States Code; and

(2) in addition to the amounts transferred under paragraph (1), at such times and in such amounts as are specified for that purpose in the annual budget of the Department of the Interior, authorized to be appropriated under subsection (f), and made available by an Act of appropriation, a total of \$7,200,000.

(c) **DISTRIBUTION OF AMOUNTS FROM RESTORATION FUND.**—

(1) **APPROPRIATED AMOUNTS.**—

(A) **IN GENERAL.**—Subject to paragraph (3), upon the request of the Pueblo, the Secretary shall distribute amounts deposited in the Restoration Fund pursuant to subsection (b)(2) of this section and section V of the Settlement Agreement, in accordance with the terms and conditions of the Settlement Agreement and this Act, on the condition that before any such distribution the Secretary receives from the Pueblo such assurances as are satisfactory to the Secretary that—

(i) the Pueblo shall deliver funds in the amount of \$7,100,000 toward drainage and remediation of the agricultural land and rehabilitation of forest and range land of the Pueblo in accordance with section IV(C) and IV(D) of the Settlement Agreement; and

(ii) those funds shall be available for expenditure for drainage and remediation expenses as provided in sections IV(C) and IV(D) of the Settlement Agreement on the dates on which the Secretary makes distributions, and in amounts equal to the amounts so distributed, in accordance with sections IV(A) and IV(B) of the Settlement Agreement.

(B) **USE OF FUNDS.**—Of the amounts distributed by the Secretary from the Restoration Fund under subparagraph (A)—

(i) \$5,700,000 shall be available to the Pueblo for use in carrying out the drainage and remediation of approximately 1,081 acres of waterlogged agricultural land, as described in section IV(A) of the Settlement Agreement; and

(ii) \$1,500,000 shall be available to the Pueblo for use in carrying out the rehabilitation and remediation of forest and range land, as described in section IV(B) of the Settlement Agreement.

(C) **FEDERAL CONSULTATION.**—Restoration work carried out using funds distributed under this paragraph shall be planned and performed in consultation with—

(i) the Bureau of Indian Affairs; and

(ii) such other Federal agencies as are necessary.

(D) **UNUSED FUNDS.**—Any funds, including any interest income, that are distributed under this paragraph but that are not needed to carry out this paragraph shall be available for use in accordance with paragraph (2)(A).

(2) **AMOUNTS FROM JUDGMENT FUND.**—

(A) **IN GENERAL.**—Subject to paragraph (3), the amount paid into the Restoration Fund

under subsection (b)(1), and interest income resulting from investment of that amount, shall be available to the Pueblo for—

(i) the acquisition, restoration, improvement, development, and protection of land, natural resources, and cultural resources within the exterior boundaries of the Pueblo, including improvements to the water supply and sewage treatment facilities of the Pueblo; and

(ii) for the payment and reimbursement of attorney and expert witness fees and expenses incurred in connection with Docket No. 98-166L of the United States Court of Federal Claims, as provided in the Settlement Agreement.

(B) **NO CONTINGENCY ON PROVISION OF FUNDS BY PUEBLO.**—The receipt and use of funds by the Pueblo under this paragraph shall not be contingent upon the provision by the Pueblo of the funds described in paragraph (1)(A)(i).

(3) **EXPENDITURES AND WITHDRAWAL.**—

(A) **TRIBAL MANAGEMENT PLAN.**—

(i) **IN GENERAL.**—Subject to clause (ii), the Pueblo may withdraw all or part of the Restoration Fund on approval by the Secretary of a tribal management plan in accordance with section 202 of the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4022).

(ii) **REQUIREMENTS.**—In addition to the requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), a tribal management plan described in clause (i) shall require that the Pueblo shall expend any funds withdrawn from the Restoration Fund under this paragraph in a manner consistent with the purposes described in the Settlement Agreement.

(B) **ENFORCEMENT.**—The Secretary may take judicial or administrative action to enforce the provisions of any tribal management plan described in subparagraph (A)(i) to ensure that any funds withdrawn from the Restoration Fund under this paragraph are used in accordance with this Act.

(C) **LIABILITY.**—If the Pueblo exercises the right to withdraw funds from the Restoration Fund under this paragraph, neither the Secretary nor the Secretary of the Treasury shall retain any liability for the accounting, disbursement, or investment of the funds withdrawn.

(D) **EXPENDITURE PLAN.**—

(i) **IN GENERAL.**—The Pueblo shall submit to the Secretary for approval an expenditure plan for any portion of the funds in the Restoration Fund made available under this Act that the Pueblo does not withdraw under this paragraph.

(ii) **DESCRIPTION.**—The expenditure plan shall describe the manner in which, and the purposes for which, funds of the Pueblo remaining in the Restoration Fund will be used.

(iii) **APPROVAL.**—On receipt of an expenditure plan under clause (i), the Secretary shall approve the plan if the Secretary determines that the plan is reasonable and consistent with this Act and the Settlement Agreement.

(E) **ANNUAL REPORT.**—The Pueblo shall submit to the Secretary an annual report that describes expenditures from the Restoration Fund during the year covered by the report.

(F) **MAINTENANCE AND INVESTMENT OF RESTORATION FUND.**—

(1) **IN GENERAL.**—The Restoration Fund and amounts in the Restoration Fund shall be maintained and invested by the Secretary of the Interior pursuant to the first section of the Act of June 24, 1938 (52 Stat. 1037, chapter 648).

(2) **CREDITS TO RESTORATION FUND.**—The interest on, and the proceeds from the sale or redemption of, any obligations held in the

Restoration Fund shall be credited to, and form a part of, the Restoration Fund.

(e) **PROHIBITION ON PER-CAPITA PAYMENTS.**—No portion of the amounts in the Restoration Fund shall be available for payment on a per capita basis to members of the Pueblo.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Restoration Fund \$7,200,000.

SEC. 5. RATIFICATION OF SETTLEMENT, DISMISSAL OF LITIGATION, AND COMPENSATION TO PUEBLO.

(a) **RATIFICATION OF SETTLEMENT AGREEMENT.**—The Settlement Agreement is ratified.

(b) **DISMISSAL.**—Not later than 90 days after the date of the enactment of this Act, the Pueblo and the United States shall execute and file a joint stipulation for entry of final judgment in the case of Pueblo of Isleta v. United States, Docket 98-166L, in the United States Court of Federal Claims in such form and such manner as are acceptable to the Attorney General and the Pueblo.

(c) **COMPENSATION.**—After the date of the enactment of this Act, in accordance with the Settlement Agreement and upon entry of the final judgment described in subsection (b)—

(1) compensation to the Pueblo shall be paid from the permanent judgment appropriation established pursuant to section 1304 of title 31, United States Code, in the total amount of \$32,838,750 for all monetary damages and attorney fees, interest, and any other fees and costs of any kind that were or could have been presented in connection with Docket No. 98-166L of the United States Court of Federal Claims; but

(2) the Pueblo shall retain all rights, including the right to bring civil actions based on causes of action, relating to the removal of ordinance under—

(A) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

(B) the Defense Environmental Restoration Program under section 2701 of title 10, United States Code; and

(C) any contract entered into by the Pueblo for the removal of ordinance.

(d) **OTHER LIMITATIONS ON USE OF FUNDS.**—The Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.) shall not apply to funds distributed or withdrawn from the Restoration Fund under this Act.

(e) **NO EFFECT ON LAND, RESOURCES, OR WATER RIGHTS.**—Nothing in this Act affects the status of land and natural resources or any water right of the Pueblo.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico (Mr. PEARCE) and the gentleman from Wisconsin (Mr. KIND) each will control 20 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. PEARCE. Madam Speaker, I yield myself such time as I may consume.

H.R. 5842 authored by myself ratifies a settlement agreement pending between the Isleta Pueblo of New Mexico, a federally recognized tribe, and the United States.

This settlement agreement is the result of many years of environmental damage to certain reservation lands by the United States Government. H.R. 5842 would establish a land restoration fund for the Pueblo to acquire, restore and improve the land and natural resources within the exterior boundaries of the reservation.

Passage of this legislation settles all claims by the Pueblo pending in the United States Courts of Federal Claims. We understand that both the administration and the entire New Mexico delegation fully support this settlement and the corresponding legislation.

Madam Speaker, I rise today to support the passage of my bill, H.R. 5842, the "Pueblo of Isleta Settlement and Natural Resources Restoration Act of 2006." I jointly introduced this bill with the support of the entire New Mexico Delegation. While this bill is a settlement of claims against America by a tribal government, the result of this settlement will benefit the Pueblo, the State of New Mexico and all of America. By passing this bill we fulfill our responsibility for the trust and management of these tribal lands.

This bill will settle the Pueblo's claims against the United States for mismanagement damages of the Pueblo's tribal lands. The final settlement to this case was reached in June between the U.S. Departments of Interior and Justice and the tribal leaders and will expire at the end of this session of Congress unless we act.

H.R. 5842 in settling the claims will result in a tremendous victory not just for the Pueblo of Isleta but also for the whole of New Mexico. Specifically, the legislation provides \$32.8 million from the Department of Justice judgment fund and an additional \$7.2 million to be appropriated.

The victory in the bill is that these funds will be used for the acquisition, restoration, improvement, development and protection of the land, natural resources and cultural resources of the Pueblo. The measure also calls for the Pueblo to invest \$7.1 million of its own funds for the drainage and remediation of agricultural lands and the rehabilitation of forest and range land.

This commitment of the tribe shows their willingness to work to restore not just their lands but also a key portion of the Rio Grande Watershed bringing environmental improvements to every water user on the Rio Grande River.

If this bill isn't passed all we will have is more delay, more cost and a situation that benefits no one. Therefore, I urge all my colleagues to join me and help get this settlement agreement completed today. This bill benefits New Mexico, and protects the American taxpayer through a fair comprehensive settlement of the Pueblo's claim.

I want to thank many people for their hard work on making this bill a reality. Specifically, I want to thank Governor Robert Benavides of Isleta for his hard work and leadership in making this settlement such a success for not just his citizens but all of New Mexico.

I want to thank my colleague, Mrs. WILSON for her help and my Chairman Mr. POMBO for his leadership. Finally, I appreciate the hard work of the House Resources staff, Chris Fluhr, Matt Miller, and Todd Willens for helping bring this legislation to the House floor today.

Again, this settlement is good for America and should be passed here today.

Madam Speaker, I reserve the balance of my time.

Mr. KIND. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, we have no objection in regards to this legislation. I

will encourage its adoption this evening.

Madam Speaker, I yield back the balance of our time.

Mr. PEARCE. Madam Speaker, I have no additional Speakers, and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Mexico (Mr. PEARCE) that the House suspend the rules and pass the bill, H.R. 5842.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

DOUGLAS COUNTY, WASHINGTON, PUD CONVEYANCE ACT

Mr. PEARCE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4789) to require the Secretary of the Interior to convey certain public land located wholly or partially within the boundaries of the Wells Hydroelectric Project of Public Utility District No. 1 of Douglas County, Washington, to the utility district, as amended.

The Clerk read as follows:

H.R. 4789

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Douglas County, Washington, PUD Conveyance Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) PUBLIC LAND.—The term "public land" means the approximately 622 acres of Federal land managed by the Bureau of Land Management and identified for conveyance on the map prepared by the Bureau of Land Management entitled "Douglas County Public Utility District Proposal" and dated March 2, 2006.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) PUD.—The term "PUD" means the Public Utility District No. 1 of Douglas County, Washington.

SEC. 3. CONVEYANCE OF PUBLIC LAND, WELLS HYDROELECTRIC PROJECT, PUBLIC UTILITY DISTRICT NO. 1 OF DOUGLAS COUNTY, WASHINGTON.

(a) CONVEYANCE REQUIRED.—Notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), and notwithstanding section 24 of the Federal Power Act (16 U.S.C. 818) and Federal Power Order for Project 2149, and subject to valid existing rights, if not later than 45 days after the date of completion of the appraisal required under subsection (b), the Public Utility District No. 1 of Douglas County, Washington, submits to the Secretary of the Interior an offer to acquire the public land for the appraised value, the Secretary shall convey, not later than 30 days after the date of the offer, to the PUD all right, title, and interest of the United States in and to the public land.

(b) APPRAISAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall complete an appraisal of the public land. The appraisal shall be conducted in accordance with the "Uniform Appraisal

Standards for Federal Land Acquisitions" and the "Uniform Standards of Professional Appraisal Practice".

(c) PAYMENT.—Not later than 30 days after the date on which the public land is conveyed under this section, the PUD shall pay to the Secretary an amount equal to the appraised value of the public land as determined under subsection (b).

(d) MAP AND LEGAL DESCRIPTIONS.—As soon as practicable after the date of enactment of this Act, the Secretary shall finalize legal descriptions of the public land to be conveyed under this section. The Secretary may correct any minor errors in the map referred to in section 2 or in the legal descriptions. The map and legal descriptions shall be on file and available for public inspection in appropriate offices of the Bureau of Land Management.

(e) COSTS OF CONVEYANCE.—As a condition of conveyance, any costs related to the conveyance under this section shall be paid by the PUD.

(f) DISPOSITION OF PROCEEDS.—The Secretary shall deposit the proceeds from the sale in the working capital fund of the Bureau of Land Management established by section 306 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1736).

SEC. 4. SEGREGATION OF LANDS.

(a) WITHDRAWAL.—Except as provided in section 3(a), effective immediately upon enactment of this Act, and subject to valid existing rights, the public land is withdrawn from

(1) all forms of entry, appropriation, or disposal under the public land laws, and all amendments thereto;

(2) location, entry, and patenting under the mining laws, and all amendments thereto; and

(3) operation of the mineral leasing, mineral materials, and geothermal leasing laws, and all amendments thereto.

(b) DURATION.—This section expires two years after the date of enactment of this Act or on the date of the completion of the conveyance under section 3, whichever is earlier.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico (Mr. PEARCE) and the gentleman from Wisconsin (Mr. KIND) each will control 20 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. PEARCE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 4789 would convey nearly 400 acres of small isolated Bureau of Land Management parcels of land to the Wells Hydroelectric Project located in Anzwell, Washington. The project provides power to large parts of Oregon and Washington.

The small parcels being conveyed are difficult for the BLM to manage and makes management of the Wells Hydroelectric project area difficult for the utility company which manages its area not just for power generation, but also for a variety of public recreation uses.

The land would be conveyed for fair market value and the legislation ensures that recreational opportunities would continue.

I urge passage of this bill.

Madam Speaker, I reserve the balance of my time.

Mr. KIND. Madam Speaker, I too support this legislation. I encourage its